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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/535,730

01/03/2006

Oliver Baumann

GK-ZEI-3274/500343.20294

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02/19/2008

REED SMITH, LLP

ATTN: PATENT RECORDS DEPARTMENT

599 LEXINGTON AVENUE, 29TH FLOOR

NEW YORK, NY 10022-7650

EXAMINER

DANG, HUNG XUAN

ART UNIT

PAPER NUMBER

2873

MAIL DATE

DELIVERY MODE

02/19/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/535,730	Applicant(s) BAUMANN ET AL.	
	Examiner Hung X. Dang	Art Unit 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Information Disclosure Statement

1. The prior art documents submitted by applicant in the Information disclosure Statements filed on 5/20/05 has been considered and made of record (noted attached copy of form PTO-1449).

It is noted that the foreign patents have been considered to the best of the ability of the examiner without benefit of translation.

Claims Objection

2. Claim 1 is objected to because of the following informalities: in claim 1, line 6, "output unit." Should be change to –output unit,--. Appropriate correction is required.

Claims Rejection Under 35 USC - 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 17-32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Koschmieder et al** (5,943,118).

Koschmieder et al discloses arrangement and method for illumination in a stereoscopic ophthalmic microscope comprises a controllable illumination unit and an observation system 13, 14, 15; said illumination unit and observation system 13, 14, 15

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being arranged on separate supporting arms; said device further comprising an image recording unit, an optical imaging system and an output unit all being connected to a central control unit, wherein the separate supporting arms of the illumination unit and of the observation system are swivelable independent of one another and have transmitter elements, further comprising a zoom system and a magnification changer and wherein transmitter elements are additionally arranged at said zoom system and at said magnification changer, wherein the eye tracker unit has a measurement repetition rate and an image area which detects the eye to be examined until the edge of the iris, and the optical axis of the eye tracker unit corresponds to that of the observation system, wherein a digital high-resolution camera serves as said image recording unit and has a high image rate, wherein the image rate of the digital high-resolution camera serving as image recording unit operates (see figures 1-4 and the related disclosure.)

It should be noted that although claims 28-32 are "method claims", the method steps consist of the broad steps of "generating", "shifting" and etc and therefore these steps would be inherently satisfied by the apparatus of the reference as modified.

Claims Rejection Under 35 USC - 102

4. Claims 17-32 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by **Schippert et al** (6,631,990).

Schippert et al discloses system for measuring distances in the anterior chamber of the eye comprises a controllable illumination unit and an observation system 16; said illumination unit and observation system 16 being arranged on separate supporting

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arms; said device further comprising an image recording unit, an optical imaging system and an output unit all being connected to a central control unit, wherein the separate supporting arms of the illumination unit and of the observation system are swivelable independent of one another and have transmitter elements, further comprising a zoom system and a magnification changer and wherein transmitter elements are additionally arranged at said zoom system and at said magnification changer, wherein the eye tracker unit has a measurement repetition rate and an image area which detects the eye to be examined until the edge of the iris, and the optical axis of the eye tracker unit corresponds to that of the observation system, wherein a digital high-resolution camera serves as said image recording unit and has a high image rate, wherein the image rate of the digital high-resolution camera serving as image recording unit operates (see figures 1a, 1b, 14 and the related disclosure.)

It should be noted that although claims 28-32 are "method claims", the method steps consist of the broad steps of "generating", "shifting" and etc and therefore these steps would be inherently satisfied by the apparatus of the reference as modified.

5. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

2/08

/HUNG DANG/

PRIMARY EXAMINER

TC 2800